

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DALESHIA ARMSTRONG,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 1:13cv1315

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION AND
ORDER** [Regarding [ECF No. 19](#)]

Pending before the Court is Defendant's Unopposed Motion to Remand to Social Security Administration pursuant to the fourth sentence of 42 U.S.C. § 405(g). [ECF No. 19](#). In support of its motion, Defendant states,

1. Plaintiff brought this action for review of the decision of the Commissioner of Social Security denying his application for supplemental security income (SSI) under Title II of the Social Security Act. 42 U.S.C. §§ 1381-1383f.
2. Upon review, the Commissioner has determined that this case requires further administrative action.
3. On remand, the Commissioner, through the Appeals Council, will refer Plaintiff's case to an administrative law judge (ALJ) for further consideration, including, but not limited to, (1) obtain updated medical and education records; (2) evaluate the questionnaires completed by Mr. Kraker; and (3) further consider whether the claimant's impairment or combination of impairments meet, equal, or functionally equal the listings.
4. Meriah Russell, the Assistant Regional Counsel for the Commissioner, contacted Matthew Shupe, Esquire, counsel for Plaintiff, and he consents to this motion to remand.

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5. Moreover, after a court remands an action pursuant to sentence four of 42 U.S.C. § 405(g), the Court must also enter a final judgment, preferably by separate order, that ends the civil action. *See Shalala v. Schaefer*, 509 U.S. 292, 297-98 (1993).

6. As a result, Defendant also requests the entry of a final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

[ECF No. 19 at 1-2.](#)

Accordingly, the Court grants Defendant's motion and remands the case to the Commissioner for proceedings consistent with this Order.

IT IS SO ORDERED.

November 26, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge